

REMARKS

The Examiner rejected all of the pending claims, namely, claims 1-108, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Examiner states: "Taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented [which] would tend to obfuscate, confuse, and becloud the claimed invention." The Examiner contends that twenty-five claims are sufficient to claim the invention and requires that Applicants select no more than 25 claims for examination on the merits. The Examiner further states: "To be complete the non-selected claims must be cancelled or the Applicants must present appropriate arguments as to why the above rejection is in error." In addition, the Examiner states that "it would appear that a multiplicity of inventions also appear to be involved and the Applicants are requested to group their selection accordingly to read on a single invention."

This rejection should be withdrawn. As explained in the *Manual of Patent Examining Procedure (MPEP)*, §2173.05(n) at p. 2100-216 (Rev. 2, May 2004), "[u]ndue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare." (emphasis added.) The claims in this case are not the "rare" exception to the general rule that "applicants should be allowed reasonable latitude in stating their claims in regard to number and phraseology employed." (*Id.*) On the contrary, the claims in this case are reasonable in number, unambiguous and well-organized.

This application contains twelve independent claims, namely, claims 1, 15, 29, 39, 53, 67, 81, 91, 105, 106, 107 and 108. Independent claims 1, 15, 29 and 39 are method claims. Independent claims 53, 67, 81 and 91 are apparatus claims

recited in means-plus-function format that track method claims 1, 15, 29 and 39, respectively. Independent claims 105, 106, 107 and 108 are apparatus claims reciting specific structure, rather than in means-plus-function format, that track method/apparatus claims 1/53, 15/67, 29/81 and 39/91.

The dependent claims are similarly organized. Claims 2-14 are method claims that depend upon claim 1; claims 16-28 are method claims that depend upon claim 15; claims 30-38 are method claims that depend upon claim 29; and claims 40-52 are method claims that depend upon claim 39. Claims 54-66 are apparatus claims that depend upon claim 53 and track method claims 2-14; claims 68-80 are apparatus claims that depend upon claim 67 and track method claims 16-28; claims 82-90 are apparatus claims that depend upon claim 81 and track method claims 30-38; and claims 92-104 are apparatus claims that depend upon claim 91 and track method claims 40-52. No claims are dependent upon independent apparatus claims 105, 106, 107 and 108.

Since the claim sets are well-organized and track one another, the number of claims is entirely reasonable. Also, Applicants "should be allowed reasonable latitude" in claiming their system in both means-plus-function and non-means-plus-function formats, particularly in view of the different constructions applied by the courts to these different formats. In addition, the Examiner does not contend that any language of any particular claim is indefinite or ambiguous.

Since the Examiner's rejection is erroneous, Applicants have not canceled any claims. If the Examiner maintains this rejection, however, as required by the Examiner, Applicants select claims 1-14 for prosecution on the merits. In addition, as required by the Examiner, Applicants group their claims as follows:

Group I: claims 1-14, 53-66 and 105.

Group II: claims 15-28, 67-80 and 106.

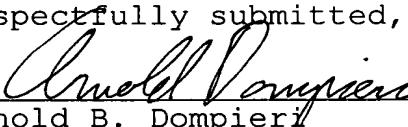
Group III: claims 29-38, 81-90 and 107.

Group IV: claims 39-52, 91-104 and 108.

Applicants submit that this response places this application in condition for examination of all pending claims. If for any reason the Examiner does not believe that such action can be taken at this time, he is respectfully requested to telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections he may have. If any additional charges are due in connection with this requested amendment, the Examiner is authorized to charge Deposit Account 12-1095 therefor.

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Respectfully submitted,

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